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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Brian A. Fox, James L. Holloway
Serial No. : 10/688,570
Filed : October 17, 2003
For : ADIPOCYTE COMPLEMENT RELATED PROTEIN ZACRP13
Examiner : Snedden, S.
Art Unit : 1653
Docket No.: 00-96C1
Date : April 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

ZymoGenetics, Inc. ("ZGEN"), a corporation of the State of Washington, having a place of business at 1201 Eastlake Avenue East, Seattle, WA 98102, is the owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 014522, Frame 0280 on September 25, 2003, and is the owner of 100 percent interest in U.S. Patent No. 6,716,965, as evidenced by an assignment recorded at Reel 014522, Frame 0280 on September 25, 2003.

ZGEN hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,716,965, issued April 6, 2004. ZGEN hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, ZGEN does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as

Terminal Disclaimer

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presently shortened by any terminal disclaimer, in the event that the patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or record.

Brian J. Walsh 4/6/05
Signature Date

Brian J. Walsh

Typed Name

FEE STATUS

Applicants claim small entity status. Please charge the required fee, estimated to be \$65.00, under 37 CFR § 1.20(d), to Deposit Account Number 26-0290. Please charge any additional fees or credit any overpayment to Deposit Account Number 26-0290.